

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

THE BOEING COMPANY,

No. 4:21-CR-5-O

Defendant

**UNITED STATES' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO  
RESPOND TO THE MOTIONS FILED BY REPRESENTATIVES OF CERTAIN  
CRASH VICTIMS OF LION AIR FLIGHT 610 AND ETHIOPIAN AIRLINES  
FLIGHT 302 AND TO RESPOND TO A THIRD-PARTY DECLARATION**

The United States of America, by and through undersigned counsel, respectfully submits the following Unopposed Motion for an Extension of Time to Respond to the Motions Filed by Representatives of Certain Crash Victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302 and to Respond to a Third-Party Declaration, and in support thereof states as follows:

On or about January 5, 2021, the United States and The Boeing Company ("Boeing") entered into a written Deferred Prosecution Agreement (the "Agreement").

On January 7, 2021, the Agreement, Dkt. No. 4, accompanying Criminal Information, Dkt. No. 1, Waiver of Indictment, Dkt. No. 3, and Joint Motion for Exclusion of Time Under the Speedy Trial Act (the "Joint Motion"), Dkt. No. 5, were all publicly filed and assigned to this Court.

On January 24, 2021, this Court granted the parties' Joint Motion and ordered that all further criminal proceedings in this matter, including trial, be continued until further motion of the parties; and further approved the exclusion from the computation of time in which a trial must be commenced under the Speedy Trial Act a period of 3.5 years from the date on which the Information was filed. Dkt. No. 13.

On December 16, 2021, representatives of eighteen crash victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302, on their behalf and on behalf of other similarly situated representatives (the “Movants”) contemporaneously filed three motions with accompanying exhibits (collectively, the “Motions”). The Movants did not contact the United States before filing the Motions, which seek various relief under the Crime Victims’ Rights Act, 18 U.S.C. § 3771 (“CVRA”). *See* Dkt. Nos. 15-18.

On December 21, 2021, the Court granted the United States’ first motion for an unopposed extension of time to file a consolidated response to the Motions in light of the total length of the Motions and the various issues raised therein, as well as the upcoming holidays, and required the United States to respond by January 13, 2022. Dkt. No. 27.

On January 10, 2022, the United States met with a representative contingent of the Movants. A broader contingent of the Movants has also requested a meeting with additional Department of Justice officials. The United States is currently arranging for the requested follow-up meeting between this broader contingent and Department officials.

Separately, on January 11, 2022, the Court allowed the declaration of a third-party to be filed on the docket, and ordered the United States, Boeing, and the Movants to respond to the declaration by January 18, 2022. Dkt. No. 34.

Accordingly, to allow for Department of Justice officials to have a follow-up meeting with the Movants before the United States files its response, and to allow the United States time to sufficiently review the third-party declaration before submitting its response to the Motions, as these events may have a bearing on the content of the motion response, the United States respectfully requests seven additional days to reply to the Motions and two additional days to

respond to the third-party declaration, such that the United States' responses both to the Motions and the third-party declaration would be due on January 20, 2022.

### **CONCLUSION**

For the foregoing reasons, the United States respectfully requests that the Court grant this motion and allow the United States to file its consolidated response to the Motion and its response to the third-party declaration on January 20, 2022.

Respectfully submitted,

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### **CERTIFICATE OF CONFERENCE**

Pursuant to Local Criminal Rule 47.1(b), on January 11, 2022, counsel for the United States conferred with counsel for the Movants, Paul G. Cassell, Esq., counsel for The Boeing Company, Benjamin L. Hatch, Esq., and counsel for the third-party declarant, Marianne M. Auld, Esq., who each stated that they are unopposed to this motion.